



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,631	05/18/2004	Senichi Takagi	SHG-029P2	3630
26875 7590 05/03/2007 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER SAFAVI, MICHAEL	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/709,631	TAKAGI ET AL.	
	Examiner	Art Unit	
	M. Safavi	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, and 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/8/07</u> . | 6) <input type="checkbox"/> Other: _____ |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 16, 2007 has been entered.

Information Disclosure Statement

The information disclosure statement filed February 08, 2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no date of publication has been provided for the reference listed under Non-Patent Literature Documents. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 3673

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3, 4, and 6-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not appear to have originally disclosed "another diagonal rib...formed within the other one of said two hollow projecting sections axisymmetrical to said diagonal rib formed within said projecting section". The specification is, otherwise, not clear and complete as to what or how a diagonal rib is formed axisymmetrical to said diagonal rib formed within said projecting section.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 4, and 6-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 7, it is not clear as to what is being defined by "one of side surfaces". What exactly, is "one of side surfaces"? Line 8 recites "a side where said sheathing exists". However, claim 1 appears to define a hollow sheathing. Therefore it is not clear as to what is being defined by "a side where said sheathing exists". In other words, wouldn't the "hollow sheathing" exist on all sides? Line 12, to what does "one of

Art Unit: 3673

said two hollow projecting sections” refer? Would this be the same as the “one of said two hollow projecting sections” introduced in line 7 of claim 1? Line 12, “said sheathing section side” lacks antecedent basis within the claim. It is therefore not clear as to what is being defined by “said sheathing section side”. Line 13, “said concrete placing surface side” lacks antecedent basis within the claim. It is therefore not clear as to what is being defined by “said concrete placing surface side”. Otherwise, what is being defined by “in contact with the inside of a corner section”? It is not clear as to what forms the “corner section” not “the inside of the corner section”. Lines 17-19 of claim 1 are not, at all, clear. Lines 17-19 of claim 1 appear to state that hollow portions of both hollow projections and the hollow side panel are connected, but then goes on to state that they are divided. Such language appears to define a configuration opposite a subsequently recited configuration. In light of the above, the metes and bounds of the language of claim 11 is not understood.

Claim 3 is not clear in that it is not understood how the embodiment of Fig. 8, to which claim 1 appears directed, possesses an inclined surface.

The language of claim 11 does not appear clear. Particularly, it is not understood as to what is being defined by “...wherein a portion of the space for conserving leaked concrete is formed as a V-shaped groove when viewed in cross-section and acts as a guiding groove for a tip of a drill used when forming an insertion hole for inserting a separator.” Does the V-shaped groove form part of the claimed form panel? Or, is the V-shaped groove formed only when a plurality of form panels are aligned one with another? If the V-shaped groove is formed only when a plurality of form panels are

Art Unit: 3673

aligned one with another the claim language is not clear as to whether the V-shaped groove is formed before assembly or after assembly. In other words the language of claim 11 does not serve to further limit the language of claim 3 as by positively adding a feature of the claimed form panel?

Claim 11 is not clear in that it is not understood how the embodiment of Fig. 8, to which claim 1 appears directed, possesses a V-shaped groove, or at least form a V-shaped groove.

Response to Arguments

Applicant's remarks with regard to the language of claim 11 have been reviewed. However, it is not clear if the language of claim 11 serves to add anything more than what is being defined in claim 3/1 from which claim 11 depends. In other words, does the invention defined by claim 11 possess a V-shaped groove or not? Does the invention of claim 11 even have any feature or configuration which would serve to form a V-shaped groove? And, if so what would such a feature or configuration be? As such, the metes and bounds of the language of claim 11 is not understood.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

Art Unit: 3673

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MICHAEL SAFAVI
PATENT EXAMINER
ART UNIT 3673

M. Safavi
April 28, 2007